

States. Due to the lack of attention to this issue by the Department of Justice, it is hard to quantify the number of child pornography traffickers that are involved in this gross violation of our children's rights; the best estimates are that this practice involves 485,000 perpetrators in the United States alone. A 2005 Justice Department study found that:

80 percent of child pornography possessors have images and videos depicting sexual penetration.

20 percent of child pornography possessors have images of bondage, sadistic abuse and torture.

83 percent of child pornography possessors have images of children aged 6–12.

19 percent of child pornography possessors have images of infants or toddlers.

Only 1 percent of child pornography possessors restricted their "collecting" to images of nude children.

Law enforcement reports of websites providing live "pay-per-view" rape of very young children.

Mr. Speaker, we must act now to protect our children from these atrocities and this legislation is an important first step in doing so. This bill will increase funding for state and local task forces by tripling the size of the Internet Crimes Against Children, ICAC, program in the first year alone, which will support the 46 state and local task forces that "have become the backbone of America's war on child exploitation." It further adds hundreds of new Federal agents to the FBI, ICE, and U.S. Postal Inspection Service who will be charged with the sole responsibility of working on crimes against children. This legislation also provides for the creation of new dedicated forensic crimes labs for America's overwhelmed child exploitation investigators and provides legal structure and funding for the ICAC Data Network, which has emerged as a critical asset in the fight against child pornography and exploitation. Perhaps most significantly, it will create a new Justice Department Special Prosecutor, a new high-level office within the Department with sole dedication to combating child exploitation and the oversight of ICAC Task Force Network.

This legislation is imperative to ensuring the protection of our Nation's children and engaging in a much needed and long overdue national war on child pornography. As the Chair of the Congressional Children's Caucus, a Representative of the people of the United States, and a mother of two, I am proud to cosponsor this legislation and I urge my colleagues to join me in supporting this legislation.

Mr. SHAYS. Mr. Speaker, as a cosponsor of the PROTECT Our Children Act, I am grateful we are considering this legislation today.

This legislation will create a Special Counsel within the Department of Justice, DoJ, to design and organize the Departments child exploitation prosecution work.

The bill will also establish grants to increase the number of Federal Bureau of Investigation, FBI, agents dedicated to protecting children and ensure local authorities have funding available to create vigorous cyber units with well-trained officers.

Having a child exploited is a parent's worst fear. This legislation will, strengthen our police force to ensure we can track down and imprison child sex predators.

Mr. Speaker, I urge passage of this legislation.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) that the House suspend the rules and pass the bill, H.R. 3845, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

KIDS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 719) to require convicted sex offenders to register online identifiers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keeping the Internet Devoid of Sexual Predators Act of 2007" or the "KIDS Act of 2007".

SEC. 2. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR SUPERVISION OF INTERNET ACCESS BY SEX OFFENDERS CONVICTED UNDER FEDERAL LAW.

In addition to any other sums authorized to be appropriated for the purposes of supervising persons on probation and pretrial release in connection with convictions for Federal offenses, there are authorized to be appropriated \$5,000,000 for each fiscal years 2008 through 2013 for any or all of the following purposes:

(1) To evaluate computer internet filtering, monitoring and other programs and devices that are designed to filter access to certain web sites, permit monitoring of the use by persons under supervision of internet, and related purposes.

(2) To purchase those programs and devices determined through that evaluation to be the best for those purposes.

(3) To train probation officers in the use of those programs and devices.

(4) To train probation officers in the supervision of sex offenders.

(5) To hire probation officers and other personnel as required to supervise convicted sex offenders effectively.

SEC. 3. DISCRETIONARY CONDITION OF PROBATION AND SUPERVISED RELEASE FOR SEX OFFENDERS.

(a) PROBATION.—Section 3563(b) of title 18, United States Code, is amended—

(1) in paragraph (22), by striking "or";

(2) by striking the period at the end of paragraph (23) and inserting "; or" and

(3) by inserting after paragraph (23) the following:

"(24) if required to register under the Sex Offender Registration and Notification Act—

"(A) obtain access to the Internet only from computers approved by the probation officer;

"(B) consent and fully cooperate with periodic examinations of the computers by the probation officer, including the retrieval and copying of all data from those computers and removal of the computer equipment for a reasonable period of time for the purpose of conducting a more thorough inspection;

"(C) consent and fully cooperate with the installation on the computers any hardware or software filtering systems designated by the probation officer that restrict the defendant's access to classes of web sites designated by the officer as to which, under the circumstances of the offense, access should be restricted;

"(D) consent and fully cooperate with the installation on the computers of monitoring systems or hardware that permit the probation officer to monitor the defendant's computer use to assure compliance with the law, conditions of probation, and to protect public safety; and

"(E) take no steps to disable or evade the filtering or monitoring programs or devices."

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by striking "any condition set forth as a discretionary condition of probation in section 3563(b)(1) through (b)(10) and (b)(12) through (b)(20)" and inserting "a condition set forth in section 3563(b), other than that described in paragraph (1) of that section".

SEC. 4. DIRECTION TO SENTENCING COMMISSION.

The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of sex offenses involving children in circumstances where the offense is committed or facilitated by the use of the Internet, and—

(1) a misrepresentation is made over the Internet as to the age of the offender; or

(2) there is a failure of the offender to reveal the offender's status as a sex offender.

SEC. 5. MODIFICATION OF MINIMUM STANDARDS REQUIRED FOR ELECTRONIC MONITORING UNITS USED IN SEXUAL OFFENDER MONITORING PILOT PROGRAM.

(a) IN GENERAL.—Subparagraph (C) of section 621(a)(1) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16981(a)(1)) is amended to read as follows:

"(C) MINIMUM STANDARDS.—The electronic monitoring units used in the pilot program shall at a minimum—

"(i) provide a tracking device for each offender that contains a central processing unit with global positioning system; and

"(ii) permit continuous monitoring of offenders 24 hours a day."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to grants provided on or after the date of the enactment of this Act.

SEC. 6. FINANCIAL FACILITATION OF ACCESS TO CHILD PORNOGRAPHY.

(a) OFFENSE.—Chapter 95 of title 18, United States Code, is amended by adding at the end the following:

"§ 1960A. Financial facilitation of access to child pornography

"Whoever knowingly conducts, or attempts or conspires to conduct, a financial transaction (as defined in section 1956(c)) in or affecting interstate or foreign commerce, knowing that such transaction will facilitate access to, or possession of, child pornography (as defined in Section 2256) shall be fined under this title or imprisoned not more than 20 years, or both."

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of

chapter 95 of title 18, United States Code, is amended by adding at the end the following new item:

“1960A. Financial facilitation of access to child pornography.”

SEC. 7. CHANGE IN DEFINITION OF MONETARY INSTRUMENTS FOR MONEY LAUNDERING AND OTHER OFFENSES.

Section 1956(c)(5) of title 18, United States Code, is amended—

(1) by striking “or” at the end of clause (i); and

(2) by inserting “, (iii) electronic or digital currencies, and the corresponding monetary value of any associated account, or (iv) stored value cards or similar devices” after “delivery”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, H.R. 719, the KIDS Act, addresses the problems of convicted sex offenders infiltrating the Internet to contact and prey on minors.

You've heard about this problem before under the measure that has just passed the House. We are all familiar with the problem. There is not a parent who is not concerned that through the Internet a sex offender may attempt to contact a child for criminal, vicious sex purposes.

The KIDS Act addresses this problem in three ways: It authorizes funding for the Federal Probation and Pretrial Office to enhance the agency's ability to monitor the computer use by convicted Federal sex offenders. In particular, it authorizes funding to evaluate and purchase Internet filtering and monitoring systems to better enable probation officers to monitor the computer use of sex offenders. This is very important. This should help ensure that if an offender violates the terms of release as to Internet use, the violation will be discovered so the offender's release can be promptly revoked.

The next thing we do here is codify the current practice of some sentencing judges by specifically authorizing a court to require as a condition of probation that a convicted sex offender cooperate with the installation of Internet filtering and monitoring systems.

Finally, the bill directs the Sentencing Commission to consider increased penalties for sex crimes committed over the Internet where the defendant lied about his age or concealed identity as a sex offender.

This measure before us now adds a new criminal provision to reach those who set up “virtual money systems” to facilitate the trafficking of child pornography over the Internet. There's no simple way of keeping the Internet out of the hands of those who would use it for these and other sinister purposes. Nonetheless, the KIDS Act goes a long way toward addressing the problem of Internet sex predation by enhancing supervision of convicted sex offenders and increasing penalties for these crimes.

I can't imagine anyone in this House on either side of the aisle not supporting a measure such as this.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, recently we were all shocked to learn that over 20,000 registered sex offenders were on commercial social networking sites. In response to press attention, the social networking sites removed the sex offenders from these sites.

H.R. 719, as introduced, included an important provision requiring that sex offenders update their registration information to include their electronic mail addresses, instant messaging addresses, and other similar Internet identifiers used by the sex offender.

In addition, H.R. 719 included a mechanism to permit social networking sites to check sex offender registries to prevent sex offenders from accessing the social networking site.

Finally, H.R. 719 included an introduction of a new criminal prohibition on misrepresentation of age by a person designed to lure children into sexual activity.

Unfortunately, H.R. 719 has been stripped of all of these important provisions. It's my hope that my colleagues on the other side of the aisle will work with us to address these important provisions in the future. The gap in our laws must be filled so that children on social networking sites do not have to fear sex predators joining their circle of so-called friends.

I wish to commend my colleagues for including in this legislation a critical provision to prohibit the financial facilitation of child pornography. Originally proposed by our ranking member, LAMAR SMITH, at the beginning of the year, this criminal penalty is vitally important for prosecuting an emerging tool used by child pornographers to prey on children anonymously: virtual money systems. Unlike credit card companies, which require merchants and customers to provide personal information such as name, address, and Social Security number, virtual money is essentially anonymous. Subscribers provide fictitious personal information, or no personal information, and no credit card or Social Security number is required, making them virtually untraceable.

The key to combating the commercial child pornography industry is to

cut it off at its source: money. Virtual money is now the payment method of choice. It is imperative that our law enforcement tools keep pace with changing technologies.

H.R. 719 also includes a technical correction to the Adam Walsh Act to expand the eligibility for participation in a child safety grant program. And I want to particularly thank Congressman FORBES, the ranking member of the Crime Subcommittee, for introducing legislation that would have accomplished this technical correction.

I commend my colleague from North Dakota (Mr. POMEROY) for his dedication to protecting children and for working with us on this legislation, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank the gentleman from Virginia (Mr. GOODLATTE) for the hard work that he has put in on this measure. We appreciate the cooperation that we've had in the course of this. And of course we yield to no one in recognizing him as the Congress' foremost expert on the Internet, and thus his being involved in this kind of legislation for quite a few years.

Earlier versions of this bill required registration of online identifiers of sex offenders. And as the gentleman knows, a sex offender can change his user name and IP address in about two seconds, so we didn't feel that was particularly helpful. We thought monitoring sex offenders before they ever got on the Internet was a better way to go, and we're glad that we've been able to reach some closure with him on that subject.

Now, on the criminal provisions, I want to tactfully suggest that we've got a better way here in this bill, and I think most of the lawyers and those who followed this shall agree with us. There is no point in overburdening prosecutors. What we've done with reference to criminal provisions is that the practice of grooming, where sex predators lie about their age on the Internet to entice minors into sexual activity, obviously is horrific and widespread, but the other approach would have required prosecutors to prove a new and separate offense in order to get a higher sentence for offenses involving grooming. We didn't think that would be the better way to proceed.

Under the minority approach, a prosecutor would have had to prove all the elements of this new crime beyond a reasonable doubt. This is, I think, unnecessary and probably a very high burden to reach, given that there exists in criminal law a law against enticement that covers grooming activity. And so the approach we finally settled on directs the sentencing commission to provide tougher sentences for predatory behavior that involves grooming.

And you don't get the chairman of this committee talking about tougher sentencing on very many things around here; this is one that I can support without qualification.

So what we've done is deal with a serious problem of grooming and get to the same place as other approaches that have been suggested to us in what we believe, from a criminal justice point of view, is far more efficient. And with the new provisions that would fight financial facilitation of child pornography, we think we've got a bill. And we thank Mr. POMEROY for helping us get there.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time I have no further speakers remaining on this legislation, so I would yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have the final closing speaker, Mr. POMEROY, to whom I will yield the balance of our time.

Mr. POMEROY. I thank my friend, the chairman, for yielding.

I want to begin by acknowledging the work Paul Gillmor put into this legislation. He and I were the original cosponsors. He was a colleague with whom I worked on a variety of initiatives trying to keep our children safe against those who would prey upon them through the Internet. We miss Paul, but his efforts and his work continue with this legislation.

I agree with the words of the chairman in the facet of this bill relating to grooming, and I think stiffening the sentences for those convicted of engaging in deceptive behavior relative to lying about their age to incur the trust of minors with whom they're interacting on the Internet, making that an item that would bring them longer prison time when convicted is a positive clarification to this bill, probably better than the original bill.

There is a feature of the bill that was left out, that I'm quite disappointed at, and work is going to need to continue on this one, and that is, helping these Internet sites keep sexual predators off in the first place.

We have a number of provisions in our code dealing with what's required of high-risk sexual predators, and I believe it would be appropriate to have a voluntary registry where their names would be required to be on file, and social networking sites could keep them off of their site.

I want to especially commend the efforts of MySpace, one of the most popular sites out there, for the extraordinary efforts they've gone to to identify sex predators and keep them off the site; 29,000 are blocked from participating on the MySpace domain because of their efforts, and I think the Federal Government ought to do more to help them. That's work in progress. A lot of bills that come to the floor aren't perfect, at least at this iteration in the legislative process, so this is an aspect of this bill I want to continue to work on.

There are a couple of other things that I think are very useful, and that is the authorization of funds to step up the supervision of the Internet activities of high-risk sexual predators, as well as the portion that criminalizes financial facilitation of child pornography. If there is a banker making a buck by basically facilitating the credit card transactions on child pornography over the Internet, that is not an acceptable business practice. It is so not acceptable that we are criminalizing it, and I hope they get that message loud and clear.

We've worked a lot with the Judiciary Committee on this bill. I think the chairman's comments about higher sentences aren't something that he is often willing to put in a code. I think that he has been fair-minded in this, and I look forward to continuing to work with him as we get this legislation where it needs to be.

Thank you. This is a positive bill. I urge Members to vote for it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 719, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4120) to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Child Pornography Prosecution Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Recent data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

SEC. 3. EFFECTIVE CHILD PORNOGRAPHY PROSECUTION.

(a) SECTION 2252.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting "or affecting" after "ships in";

(2) in subsection (a)(2), by striking "knowingly" and all that follows through "mails" and inserting "knowingly receives, distributes, or reproduces for distribution, in or affecting interstate or foreign commerce, any visual depiction";

(3) in subsection (a)(3)(B), by inserting "or affecting" before "interstate"; and

(4) in subsection (a)(4)(B)—

(A) by inserting "in or affecting interstate or foreign commerce" after "possesses"; and

(B) by striking "that has been" and all that follows through "by computer".

(b) SECTION 2252A.—Section 2252A of title 18, United States Code, is amended—

(1) in paragraphs (1) through (4) and (6) of subsection (a), by inserting "or affecting" before "interstate or foreign commerce" each place it appears; and

(2) in subsection (a)(5)(b)—

(A) by inserting "in or affecting interstate or foreign commerce" after "possesses"; and

(B) by striking "that has been" and all that follows through "by computer" the second place it appears.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the committee, H.R. 4120, the Effective Child Pornography Prosecution Act, addresses a truly unfortunate and, in my view, wrongly decided decision by the 10th Circuit Court of Appeals in the case of *United States v. Schaefer*.

Now, while the defendant was found to be in the possession of child pornography, the court nevertheless reversed his conviction because it concluded that the statute required, and the government had failed to prove, that the contraband had actually crossed State lines. This statute in question makes it illegal to possess child pornography "in commerce."